



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Via UPS

Timothy M. Miller
President & Registered Agent
930 Port Street, Inc.
28102 Baileys Neck Road
Easton, MD 21601

MAR 07 2019

Re: Opportunity to Show Cause pursuant to Subtitle I of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. §§ 6991-6991i, and regulations promulgated pursuant thereto, regarding Underground Storage Tanks located at Easton Point facility located at 930 Port Street, Easton, Maryland.

Dear Mr. Miller:

From the information currently available from the EPA inspection of the facility known as Easton Point located at 930 Port Street in Easton, Maryland (the "Facility") on June 13, 2018, including follow up information provided by you, EPA reasonably believes that you as the "operator" and 930 Port Street, Inc. ("Port Street") as the "owner" of underground storage tanks ("USTs") located at the Facility may have violated Subtitle I of RCRA, and the State of Maryland's UST program. As a result, EPA believes that there is a sufficient basis for the assessment of civil penalties and requiring you and Port Street to comply with Subtitle I of RCRA and State of Maryland's UST program. EPA is herein providing you and Port Street with the opportunity to confer with EPA to show cause as to any reasons why the assessment of civil penalties and the commenced of an enforcement action should not be issued for any or all of the violations identified below.

Part I: Preliminary Conclusions Regarding Violations

The specific regulations that EPA has reason to believe have been violated are found in the State of Maryland's federally authorized UST management program. Effective July 30, 1992, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991e, and 40 C.F.R. Part 281, Subpart A, the State of Maryland was granted final authorization to administer a State UST management program *in lieu* of the Federal UST management program established under Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991i. The provisions of the Maryland UST management program, through this final authorization, have become requirements of Subtitle I of RCRA and are, accordingly, enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. Maryland's authorized UST regulations are administered by the Maryland Department of the Environment ("MDE"), and are set forth in the Code of Maryland Regulations and will be cited as "COMAR"

followed by the applicable section of the regulations, a copy of which can be provided to you upon request. The provisions of the Maryland's UST management program, through these final authorizations, have become requirements of Subtitle I of RCRA and are, accordingly, enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e.

Suspected Violations Identified by EPA:

1. Failure to conduct tank release detection every 30 days on USTs at the Facility as required by COMAR 26.10.05.02(B).
2. Failure to test line leak detectors (LLDs) for such USTs at the Facility annually as required by COMAR 26.10.05.05(B).
3. Failure to conduct line tightness testing or utilize a monthly monitoring method for the pressurized piping as required by COMAR 26.10.05.02(C)(2)(b) and COMAR 26.10.05.05(C), respectively.
4. Failure to report a suspected release as required by COMAR 26.10.08.01(B)(3).
5. Failure to investigate a suspected release as required by COMAR 26.10.08.03.
6. Failure to test the cathodic protection system as required by COMAR 26.10.04.02(D)(1).

Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d), authorizes EPA to assess a civil penalty against any owner or operator of an underground storage tank who fails to comply with, *inter alia*, any requirement or standard promulgated under Section 9003 of RCRA, 42 U.S.C. § 6991b (40 C.F.R. Part 280) or any requirement or standard of a State UST program that has been approved by EPA pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c. For purposes of determining the amount of any penalty to be assessed, Section 9006(e) of RCRA, 42 U.S.C. § 6991e(e), requires EPA to take into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements. In developing a proposed penalty for the violations alleged herein, EPA will take into account the particular facts and circumstances of this case with specific reference to EPA's Interim Consolidated Enforcement Penalty Policy for Underground Storage Tank Regulations ("UST Penalty Guidance") (<http://www.epa.gov/oust/directiv/od961012.htm>), and EPA's January 11, 2018 memorandum by EPA Assistant Administrator Susan Parker Bodine, entitled *Amendments to EPA's Civil Penalty Policies to Account for Inflation (Effective January 15, 2018)* (<https://www.epa.gov/enforcement/amendments-epas-civil-penalty-policies-account-inflation-effective-january-15-2018>).

Part 2: Opportunity to Meet and Settle

If you and Port Street have any additional information relevant to this matter which you believe EPA should consider prior to filing a formal enforcement action (i.e. Administrative Complaint), EPA requests that you or your representative provide such information, and/or show cause why an Administrative Complaint should not be issued, within twenty-one (21) calendar days of receipt of this letter. If no additional information is to be provided and you would like to settle this matter, please contact Melissa Toffel of my staff at 215-814-2060 or by email at toffel.melissa@epa.gov. If you and/or East Point are represented by legal counsel and you would like to settle this matter, please contact Louis F. Ramalho, Senior Assistant Regional Counsel at 215-814-2681 or by email at ramalho.louis@epa.gov. If you do not respond within twenty-one (21) calendar days of receipt of this letter or the parties have not reached a satisfactory administrative resolution of these alleged violations within ninety (90) calendar days of receipt of this letter, the Agency may proceed with an appropriate enforcement response without further prior notice.

Please send all information, and direct any request for a settlement conference, to the attention of:

Melissa Toffel
Environmental Protection Specialist
U.S. EPA, Region III
Office of Land Enforcement (3LC31)
1650 Arch Street
Philadelphia, PA 19103
Phone: (215) 814-3384
E-mail: toffel.melissa@epa.gov

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information in the manner described in 40 C.F.R. § 2.203(b). Information subject to the claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. Unless a business confidentiality claim is asserted at the time the information is submitted, EPA may make such information available to the public without further notice to you.

Sincerely,



Carol Amend
Associate Director
Land & Chemicals Division
Office of RCRA Programs

Enclosure

cc: M. Toffel, EPA
L. Ramalho, EPA

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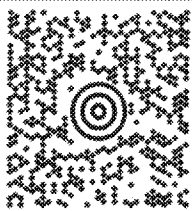
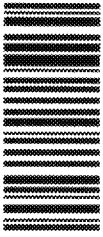
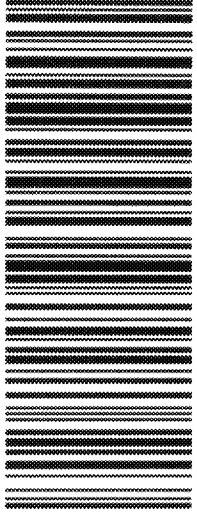

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LOUIS F. RAMALHO 215-814-2681 US EPA 1650 ARCH ST PHILADELPHIA, PA 19103 SHIP TO: PRESIDENT & REGISTERED AGENT TIMOTHY M. MILLER 28102 BAILEYS NECK ROAD 930 PORT STREET, INC. EASTON MD 21601	1.0 LBS LTR 1 OF 1
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MARYLAND DEPARTMENT OF THE ENVIRONMENT
1800 Washington Avenue, Suite 620 • Baltimore Maryland 21230-1719
(410) 537-3442 • 1-800-633-6101 • <http://www.mde.state.md.us>

LAND MANAGEMENT ADMINISTRATION
Oil Control Program

Report of Observations

Type of Observations: Review of third party inspection
Site/Facility Name: Commercial Fuel Systems, Inc
Location: 930 Port St. Easton
Point of Contact: Tim Miller
Fax:

Facility ID No.: 1656
Date: 6/26/15
Telephone: 410-310-3553
Page 1 of 3

Facility Inspection Status: FAIL

Remarks:

A third party inspection was performed on 5/1/15 at the above referenced facility located in Talbot County. For all sections listed with a status of 'fail', corrective actions are required to comply with the Code of Maryland Regulations (COMAR). Submit data verifying compliance to Maryland Department of the Environment (MDE) within 30 days unless otherwise noted. Due to the existing violations, additional enforcement action may be forthcoming. Failure to perform the advised actions will result in enforcement proceedings including the issuance of a Delivery Ban, civil penalties, and other legal sanctions.

Status	Section No.	Comments
Fail	Reg.	** Submit verification of the piping material for each UST system
Fail	3	** The UST systems have been out of service for a period longer than 1 year and remains out of service on this date. See requirements below.
Fail	4b.	** Submit verification that the shear valves under dispenser #6 and #7 are properly secured to the pump island
Fail	5b.	** Submit verification that the vent riser pipes are protected from vehicle traffic
Fail	6a.	** Submit a copy of the most recent spill catch basin test records. If a test has not been performed within the past year, conduct a test in accordance with Maryland Containment System Testing Protocol and submit records.
Fail	8 pipe	** Submit verification of the piping construction for each UST system. ** Submit a copy of the most recent CP test performed on the flex connectors/metal piping located under each dispenser and at each STP. Test must have been performed within the past year to be valid.
Fail	8 tank	** Submit a copy of the most recent 5 year assessment performed on the impressed current system. ** Submit verification that the impressed current system is turned on and has power. ** Submit a copy of the most recent CP test performed on the tank systems. Test must be dated within the past year to be valid. ** Submit a copy of the 60 day impressed current inspection log that is maintained on site
Fail	9 tank/pipe	** Submit a copy of the most recent precision test records of the underground storage tank and piping systems to include commercial name of the test equipment, name of the testing company, name of the person conducting the test, certification information for the person conducting the test, data accumulated by the test, and the results of the precision test.
Pass	10b.	** All 4 monitoring pipes are solid pipe for more than 2' from the top of each pipe. Groundwater was determined to be below the screening for MPs 1 and 3 by TPI. No additional requirements are required at this time.

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LAND MANAGEMENT ADMINISTRATION
Oil Control Program

Report of Observations

Type of Observations: Review of third party inspection
Site/Facility Name: Commercial Fuel Systems, Inc
Location: 930 Port St. Easton
Point of Contact: Tim Miller
Fax:

Facility ID No.: 1656

Date: 6/26/15

Telephone: 410-310-3553

Page 2 of 3

- | | | |
|------|---------|---|
| Fail | 11 | <ul style="list-style-type: none">** Perform inventory in accordance with "Doing Inventory Control Right", USEPA publication 510-B93-044 1993, incorporated by reference in COMAR 26.10.02.061. The owner or operator shall ensure the liquid level of metered storage systems is measured using a stick or electronic method each day of operation, and shall reconcile the results with pump meter readings and receipt of product. These records shall be kept for 5 years at the facility or a location under the control of and designated by the owner or operator and shall be made available to the Department for inspection.** Submit inventory records for the months of July and August.** Ensure an appropriate tank calibration chart and gauge stick in good condition capable of measuring the full height of the tank to an eighth inch are available on site. |
| Fail | 12 tank | <ul style="list-style-type: none">** Current ATG is not working at time of inspection.** Submit verification that the ATG is operating in accordance with Manufacturers specifications.** Submit documentation of the most recent automatic tank gauging system certification to include date of the certification, company and name of the person performing the certification, make and model of the automatic tank gauging system, location of the sensors and probes, probe and sensor types, type of inspection performed, type of functionally test performed, verification of proper installation, repairs made, corrections performed, and signature of the person performing the certification.** Submit release detection records for the months of July and August 2015. |
| Fail | 12 pipe | <ul style="list-style-type: none">** Submit documentation of the most recent automatic line leak detector certification to include date of the certification, company and name of the person performing the certification, make and model of the automatic line leak detector, type of inspection performed, type of functionally test performed, verification of proper installation, repairs made, corrections performed, and signature of the person performing the certification. |
| Fail | 14 | <ul style="list-style-type: none">** Submit a copy of all class A, B & C operator training certificates.** Submit a copy of written operator instructions that are maintained onsite.** Submit verification that an emergency contacts sign that is maintained onsite.** Do not dispenser fuel without a class A, B and C operator present for the facility.** A brochure with information about operator training was left onsite with Mr. Miller. |

Additional Requirements listed on page #3

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LAND MANAGEMENT ADMINISTRATION
Oil Control Program

Report of Observations

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Site/Facility Name: Commercial Fuel Systems, Inc
Location: 930 Port St. Easton
Point of Contact: Tim Miller
Fax:

Facility ID No.: 1656
Date: 6/26/15
Telephone: 410-310-3553
Page 3 of 3

Additional Requirements:

Bring the UST systems into compliance by following the requirements listed above or properly abandon the tank systems by removal in accordance with the following within 30 days:

1. Properly abandon the UST systems by removal in the continuous on-site presence and under the direction of a Maryland certified underground storage tank technician or remover in accordance with COMAR. A notification must be made to Inspector Michael Jester at (410) 537-3024 72-hours prior to abandonment to schedule an inspection.
2. Perform an assessment of the tank and piping excavation to determine if there is evidence of a release. The assessment must include sampling of the soil and groundwater (if present) in accordance with the following:
 - Minimum of two samples below each tank
 - Minimum of one sample at 20 ft. intervals along each piping trench
 - Analyze all samples for full suite VOCs including fuel oxygenates and total petroleum hydrocarbons-gasoline and diesel range organics by US EPA methods 8260 and 8015B respectively
3. Submit a UST closure report to include but not limited to description of activities associated with the removal, condition of the tanks and piping, field screening results, site sketch, photographs, copies of receipts for soil and tank disposals and copies and brief summary of the laboratory analytical results.

Person Interviewed:

Print: Tim Miller 6-26-15
Signature: [Signature]

[Signature]
Michael Jester
Environmental Compliance Specialist
Office: 410-537-3024
Fax: 410-537-3092
Email: Michael.jester@maryland.gov

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LAND MANAGEMENT ADMINISTRATION
Oil Control Program

Report of Observations

Additional Requirements listed on page #3

Type of Observations: Review of third party inspection

Site/Facility Name: Commercial Fuel Systems, Inc

Location: 930 Port St. Easton

Point of Contact: Tim Miller

Fax:

Facility ID No.: 1656

Date: 10/15/15

Telephone: 410-310-3553

Page 3 of 3

Additional Requirements:

Bring the UST systems into compliance by following the requirements listed above or properly abandon the tank systems by removal in accordance with the following immediately:

1. Properly abandon the UST systems by removal in the continuous on-site presence and under the direction of a Maryland certified underground storage tank technician or remover in accordance with COMAR. A notification must be made to Inspector Michael Jester at (410) 537-3024 72-hours prior to abandonment to schedule an inspection.
2. Perform an assessment of the tank and piping excavation to determine if there is evidence of a release. The assessment must include sampling of the soil and groundwater (if present) in accordance with the following:
 - Minimum of two samples below each tank
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 - Analyze all samples for full suite VOCs including fuel oxygenates and total petroleum hydrocarbons-gasoline and diesel range organics by US EPA methods 8260 and 8015B respectively
3. Submit a UST closure report to include but not limited to description of activities associated with the removal, condition of the tanks and piping, field screening results, site sketch, photographs, copies of receipts for soil and tank disposals and copies and brief summary of the laboratory analytical results.

**** A copy of this report was emailed to Mr. Tim Miller on this date.**

Person Interviewed:

Print: _____

Sign: _____

Matt Mueller

Environmental Compliance Specialist

Office: 410-537-3574

Fax: 410-537-3092

Email: Matthew.Mueller@Maryland.gov



Matthew Mueller -MDE- <matthew.mueller@maryland.gov>

Report of Observations for Facility ID No1656

2 messages

Matthew Mueller -MDE- <matthew.mueller@maryland.gov>

Fri, Feb 12, 2016 at 3:02 PM

To: Tmiller@nationalpremiumbeer.com

Cc: Michael Jester -MDE- <michael.jester@maryland.gov>

Mr. Miller,

Please find the report of observation attached. Corrective actions are required immediately. Please be aware, due to the existing violations, enforcement action may be forthcoming. Please contact me with any questions.

Thank you,

Matt Mueller

Environmental Compliance Specialist


MD Department of Environment

1800 Washington Blvd.

Baltimore, MD 21230

Office (410) 537 - 3574

Cell (410) 365 - 0216

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97K

Tim Miller <tmiller@nationalpremiumbeer.com>

Fri, Feb 12, 2016 at 3:12 PM

To: Matthew Mueller -MDE- <matthew.mueller@maryland.gov>

Got it, thanks.

Tim Miller

410-310-3553

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LAND MANAGEMENT ADMINISTRATION
Oil Control Program

Report of Observations

Additional Requirements listed on page #3

Type of Observations: Review of third party inspection

Site/Facility Name: Commercial Fuel Systems, Inc

Location: 930 Port St. Easton

Point of Contact: Tim Miller

Fax:

Facility ID No.: 1656

Date: 10/15/15

Telephone: 410-310-3553

Page 3 of 3

Additional Requirements:

Bring the UST systems into compliance by following the requirements listed above or properly abandon the tank systems by removal in accordance with the following immediately:

1. Properly abandon the UST systems by removal in the continuous on-site presence and under the direction of a Maryland certified underground storage tank technician or remover in accordance with COMAR. A notification must be made to Inspector Michael Jester at (410) 537-3024 72-hours prior to abandonment to schedule an inspection.
2. Perform an assessment of the tank and piping excavation to determine if there is evidence of a release. The assessment must include sampling of the soil and groundwater (if present) in accordance with the following:
 - Minimum of two samples below each tank
 - Minimum of one sample at 20 ft. intervals along each piping trench
 - Analyze all samples for full suite VOCs including fuel oxygenates and total petroleum hydrocarbons-gasoline and diesel range organics by US EPA methods 8260 and 8015B respectively
3. Submit a UST closure report to include but not limited to description of activities associated with the removal, condition of the tanks and piping, field screening results, site sketch, photographs, copies of receipts for soil and tank disposals and copies and brief summary of the laboratory analytical results.

** A copy of this report was emailed to Mr. Tim Miller on this date.

Person Interviewed:

Print: _____

Sign: _____

Matt Mueller

Environmental Compliance Specialist

Office: 410-537-3574

Fax: 410-537-3092

Email: Matthew.Mueller@Maryland.gov

Matt Mueller



Matthew Mueller -MDE- <matthew.mueller@maryland.gov>

930 Port

Matthew Mueller -MDE- <matthew.mueller@maryland.gov>

Wed, Mar 16, 2016 at 8:27 AM

To: Tim Miller <tmiller@nationalpremiumbeer.com>

Mr. Miller,

I will add your provided information to the file before the meeting. Attached is a Report of Observation of the current status of the facility.

Thank you,

Matt Mueller

Environmental Compliance Specialist

MD Department of Environment


1800 Washington Blvd.

Baltimore, MD 21230

Office (410) 537 - 3574

Cell (410) 365 - 0216

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LAND MANAGEMENT ADMINISTRATION
Oil Control Program

Report of Observations

Type of Observations: Review of third party inspection
Site/Facility Name: Commercial Fuel Systems, Inc
Location: 930 Port St. Easton
Point of Contact: Tim Miller
Fax:

Facility ID No.: 1656
Date: 2/12/16
Telephone: 410-310-3553
Page 1 of 3

Facility Inspection Status: FAIL

Remarks:

A third party inspection was performed on 5/1/15 at the above referenced facility located in Talbot County. For all sections listed with a status of 'fail', corrective actions are required to comply with the Code of Maryland Regulations (COMAR). Submit data verifying compliance to Maryland Department of the Environment (MDE). The following requirements were issued in the Report of Observations dated 6/26/15 and have not been completed. Due to the existing violations, additional enforcement action may be forthcoming. Failure to perform the advised actions will result in enforcement proceedings including the issuance of a Delivery Ban, civil penalties, and other legal sanctions.

Note: On this date, inspector contacted Mr. Miller (410-301-3553) via a telephone conversation. Mr. Miller stated that he was unsure if the tanks contained 1 inch or less of product. Inspector explained to Mr. Miller that the UST systems at the above referenced facility have been out of service for a period longer than 1 year and that the Department is requiring corrective actions immediately.

<u>Status</u>	<u>Section No.</u>	<u>Comments</u>
Fail	Reg.	** Submit verification of the piping material for each UST system
Fail	3	** The UST systems have been out of service for a period longer than 1 year and remains out of service on this date. See requirements below.
Fail	4b.	** Submit verification that the shear valves under dispenser #6 and #7 are properly secured to the pump island
Fail	5b.	** Submit verification that the vent riser pipes are protected from vehicle traffic
Fail	6a.	** Submit a copy of the most recent spill catch basin test records. If a test has not been performed within the past year, conduct a test in accordance with Maryland Containment System Testing Protocol and submit records.
Fail	8 pipe	** Submit verification of the piping construction for each UST system. ** Submit a copy of the most recent CP test performed on the flex connectors/metal piping located under each dispenser and at each STP. Test must have been performed within the past year to be valid.
Fail	8 tank	** Submit a copy of the most recent 5 year assessment performed on the impressed current system. ** Submit verification that the impressed current system is turned on and has power. ** Submit a copy of the most recent CP test performed on the tank systems. Test must be dated within the past year to be valid. ** Submit a copy of the 60 day impressed current inspection log that is maintained on site
Fail	9 tank/pipe	** Submit a copy of the most recent precision test records of the underground storage tank and piping systems to include commercial name of the test equipment, name of the testing company, name of the person conducting the test, certification information for the

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LAND MANAGEMENT ADMINISTRATION
Oil Control Program

Report of Observations

person conducting the test, data accumulated by the test, and the results of the precision test.

Type of Observations: Review of third party inspection
Site/Facility Name: Commercial Fuel Systems, Inc
Location: 930 Port St. Easton
Point of Contact: Tim Miller
Fax:

Facility ID No.: 1656
Date: 10/15/15

Telephone: 410-310-3553
Page 2 of 3

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|------|---------|---|
| Fail | 11 | <p>** Perform inventory in accordance with "Doing Inventory Control Right", USEPA publication 510-B93-044 1993, incorporated by reference in COMAR 26.10.02.061. The owner or operator shall ensure the liquid level of metered storage systems is measured using a stick or electronic method each day of operation, and shall reconcile the results with pump meter readings and receipt of product. These records shall be kept for 5 years at the facility or a location under the control of and designated by the owner or operator and shall be made available to the Department for inspection.</p> <p>** Submit inventory records when the USTs are placed back in service.</p> <p>** Ensure an appropriate tank calibration chart and gauge stick in good condition capable of measuring the full height of the tank to an eighth inch are available on site.</p> |
| Fail | 12 tank | <p>** Current ATG is not working at time of inspection.</p> <p>** Submit verification that the ATG is operating in accordance with Manufactures specifications.</p> <p>** Submit documentation of the most recent automatic tank gauging system certification to include date of the certification, company and name of the person performing the certification, make and model of the automatic tank gauging system, location of the sensors and probes, probe and sensor types, type of inspection performed, type of functionally test performed, verification of proper installation, repairs made, corrections performed, and signature of the person performing the certification.</p> <p>** Submit release detection records when the USTs are placed back in service.</p> |
| Fail | 12 pipe | <p>** Submit documentation of the most recent automatic line leak detector certification to include date of the certification, company and name of the person performing the certification, make and model of the automatic line leak detector, type of inspection performed, type of functionally test performed, verification of proper installation, repairs made, corrections performed, and signature of the person performing the certification.</p> |
| Fail | 14 | <p>** Submit a copy of all class A, B & C operator training certificates.</p> <p>** Submit a copy of written operator instructions that are maintained onsite.</p> <p>** Submit verification that an emergency contacts sign that is maintained onsite.</p> <p>** Do not dispenser fuel without a class A, B and C operator present for the facility.</p> <p>** A brochure with information about operator training was left onsite with Mr. Miller.</p> |

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Location: 930 Port St. Easton
Point of Contact: Tim Miller
Fax:

Facility ID No.: 1656
Date: 3/16/16
Telephone: 410-310-3553
Page 1 of 3

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A third party inspection was performed on 5/1/15 at the above referenced facility located in Talbot County. For all sections listed with a status of 'fail', corrective actions are required to comply with the Code of Maryland Regulations (COMAR). Submit data verifying compliance to Maryland Department of the Environment (MDE). The following requirements were issued in the Report of Observations dated 6/26/15 and have not been completed. Due to the existing violations, additional enforcement action may be forthcoming. Failure to perform the advised actions will result in enforcement proceedings including the issuance of a Delivery Ban, civil penalties, and other legal sanctions.
Note: On 2/12/16, inspector contacted Mr. Miller (410-301-3553) via a telephone conversation. Mr. Miller stated that he was unsure if the tanks contained 1 inch or less of product. Inspector explained to Mr. Miller that the UST systems at the above referenced facility have been out of service for a period longer than 1 year and that the Department is requiring corrective actions immediately. On 3/15/16, Mr. Miller provided an email to the inspector, stating Mr. Miller has contacted Kyle Nelson of Clean Fuel Associates. According to the email, Mr. Nelson is working on a quote to address the repairs.

Status	Section No.	Comments
Fail	Reg.	** Submit verification of the piping material for each UST system
Fail	3	** The UST systems have been out of service for a period longer than 1 year and remains out of service on this date. See requirements below.
Fail	4b.	** Submit verification that the shear valves under dispenser #6 and #7 are properly secured to the pump island
Fail	5b.	** Submit verification that the vent riser pipes are protected from vehicle traffic
Fail	6a.	** Submit a copy of the most recent spill catch basin test records. If a test has not been performed within the past year, conduct a test in accordance with Maryland Containment System Testing Protocol and submit records.
Fail	8 pipe	** Submit verification of the piping construction for each UST system. ** Submit a copy of the most recent CP test performed on the flex connectors/metal piping located under each dispenser and at each STP. Test must have been performed within the past year to be valid.
Fail	8 tank	** Submit a copy of the most recent 5 year assessment performed on the impressed current system. ** Submit verification that the impressed current system is turned on and has power. ** Submit a copy of the most recent CP test performed on the tank systems. Test must be dated within the past year to be valid.
Fail	9 tank/pipe	** Submit a copy of the 60 day impressed current inspection log that is maintained on site ** Submit a copy of the most recent precision test records of the underground storage tank and piping systems to include commercial name of the test equipment, name of the testing company, name of the person conducting the test, certification information for the person conducting the test, data accumulated by the test, and the results of the precision test.

MARYLAND DEPARTMENT OF THE ENVIRONMENT
1800 Washington Avenue, Suite 620 • Baltimore Maryland 21230-1719
(410) 537-3442 • 1-800-633-6101 • <http://www.mde.state.md.us>

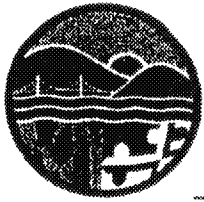
LAND MANAGEMENT ADMINISTRATION
Oil Control Program

Report of Observations

Type of Observations: Review of third party inspection
Site/Facility Name: Commercial Fuel Systems, Inc
Location: 930 Port St. Easton
Point of Contact: Tim Miller
Fax:

Facility ID No.: 1656
Date: 10/15/15
Telephone: 410-310-3553
Page 2 of 3

- | | | |
|------|---------|---|
| Fail | 11 | <p>** Perform inventory in accordance with "Doing Inventory Control Right", USEPA publication 510-B93-044 1993, incorporated by reference in COMAR 26.10.02.061. The owner or operator shall ensure the liquid level of metered storage systems is measured using a stick or electronic method each day of operation, and shall reconcile the results with pump meter readings and receipt of product. These records shall be kept for 5 years at the facility or a location under the control of and designated by the owner or operator and shall be made available to the Department for inspection.</p> <p>** Submit inventory records when the USTs are placed back in service.</p> <p>** Ensure an appropriate tank calibration chart and gauge stick in good condition capable of measuring the full height of the tank to an eighth inch are available on site.</p> |
| Fail | 12 tank | <p>** Current ATG is not working at time of inspection.</p> <p>** Submit verification that the ATG is operating in accordance with Manufactures specifications.</p> <p>** Submit documentation of the most recent automatic tank gauging system certification to include date of the certification, company and name of the person performing the certification, make and model of the automatic tank gauging system, location of the sensors and probes, probe and sensor types, type of inspection performed, type of functionally test performed, verification of proper installation, repairs made, corrections performed, and signature of the person performing the certification.</p> |
| Fail | 12 pipe | <p>** Submit release detection records when the USTs are placed back in service.</p> <p>** Submit documentation of the most recent automatic line leak detector certification to include date of the certification, company and name of the person performing the certification, make and model of the automatic line leak detector, type of inspection performed, type of functionally test performed, verification of proper installation, repairs made, corrections performed, and signature of the person performing the certification.</p> |
| Fail | 14 | <p>** Submit a copy of all class A, B & C operator training certificates.</p> <p>** Submit a copy of written operator instructions that are maintained onsite.</p> <p>** Submit verification that an emergency contacts sign that is maintained onsite.</p> <p>** Do not dispenser fuel without a class A, B and C operator present for the facility.</p> <p>** A brochure with information about operator training was left onsite with Mr. Miller.</p> |



Maryland
Department of
the Environment

Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

July 5, 2016

Mr. Tim Miller
930 Port Street, Inc.
28102 Baileys Neck Road
Easton MD 21601

RE: NOTICE OF NON-COMPLIANCE NNC-OCP-2017-002
Commercial Fuel Systems, Inc.
930 Port Street, Easton
Talbot County, Maryland
Facility LD. No. 1656

Dear Mr. Miller:

On May 1, 2015, a third-party inspection of the underground storage tank (UST) systems was performed at the above-referenced facility. Results of the inspection revealed violations of Code of Maryland Regulations (COMAR), including those considered by the Maryland Department of the Environment (the Department) and the U.S. Environmental Protection Agency (EPA) as significant operational compliance (SOC) violations. On June 12, 2015, the Department's Oil Control Program issued a *Notice to Correct Underground Storage Tank Deficiencies* letter. In addition, the Oil Control Program provided *Reports of Observations* dated June 26, 2015, February 12, 2016, and March 16, 2016 requiring 930 Port Street, Inc. to perform corrective actions and verify compliance. To date, 930 Port Street, Inc. has failed to submit the requested UST compliance data and comply with COMAR.

During the third-party inspection conducted on May 1, 2015, it was determined that the 8,000-gallon diesel UST, the two 8,000-gallon gasohol USTs, and the 8,000-gallon compartmentalized UST were no longer in service.

UNDERGROUND STORAGE TANK SYSTEM NON-COMPLIANCE

- Did not permanently close the four UST systems that have been temporarily closed for a period longer than 1 year, in accordance with COMAR 26.10.10.01D;
- Did not provide all information required on the registration form, in accordance with COMAR 26.10.03.09C;
- Did not properly install shear valves, in accordance with COMAR 26.10.02.06B, Code for Motor Fuel Dispensing Facilities and Repair Garages (NFPA 30A, 2008 Edition, Chapter 6.3.9);
- Did not protect the vent riser from traffic, in accordance with COMAR 26.10.03.06H.(2);
- Did not test or submit test records for the spill catchment basins, in accordance with COMAR 26.10.03.03A(1)(b);
- Did not properly design, construct, and protect piping that is in contact with the ground from corrosion, in accordance with COMAR 26.10.03.02B;

- Did not operate and maintain the corrosion protection system to continuously provide protection, in accordance with COMAR 26.10.04.02B;
- Did not inspect the corrosion protection system for proper operation, in accordance with COMAR 26.10.04.02D;
- Did not inspect the impressed current cathodic protection system every 60 days to ensure that the equipment is functioning properly, in accordance with COMAR 26.10.04.02F(1)(a);
- Did not perform an assessment of the impressed current system, in accordance with COMAR 26.10.04.02F(1)(b);
- Did not submit cathodic protection test records, in accordance with COMAR 26.10.04.02G(2);
- Did not submit precision test records, in accordance with COMAR 26.10.03.05;
- Did not perform inventory control, in accordance with "Doing Inventory Control Right," US EPA publication 510-B-93-004 1993 and COMAR 26.10.04.01E;
- Did not submit tank release detection records, in accordance with COMAR 26.10.05.06;
- Did not test the line leak detector, in accordance with COMAR 26.10.05.02D(2)(a);
- Did not submit line leak detector test records, in accordance with COMAR 26.10.05.06;
- Did not install, calibrate, operate, and maintain release detection equipment, in accordance with COMAR 26.10.05.01A(2);
- Did not provide records of the calibration, maintenance and repair of the release detection system, in accordance with COMAR 26.10.05.06;
- Did not identify by written list one or more individuals to serve as the Class A, B, and C operator for the facility, in accordance with COMAR 26.10.16.03B(1);
- Did not provide readily accessible written instructions for the facility's UST systems that describe how to respond to operational or equipment alarms, warnings or alert mechanisms, implement the emergency shutoff process, respond to a suspected or confirmed release, unusual operating condition, emergency and equipment failure and notify the Department of a release, in accordance with COMAR 26.10.16.03B(3);
- Did not provide emergency telephone numbers for contacting persons responsible for the facility in the event of a suspected or confirmed release, unusual operating condition, emergency and equipment failure, in accordance with COMAR 26.10.16.03B(4);
- Did not conspicuously post emergency telephone numbers on a sign not less than 8 by 10 inches in size with lettering not less than one inch high visible to the public for an unattended facility, in accordance with COMAR 26.10.16.03B(4)(b);
- Did not have a Class C operator immediately accessible by telephone for an unattended facility, in accordance with COMAR 26.10.16.04D(5)(b)(i);
- Did not have a Class C operator of the unattended facility on site within two hours of a request, in accordance with COMAR 26.10.16.04D(5)(b)(ii);

The aforementioned findings constitute non-compliance with Maryland law as stated above. Based on this non-compliant status, the Department hereby informs 930 Port Street, Inc. that the following corrective actions must be performed **no later than August 8, 2016:**

1. Properly abandon all UST systems by removal in the continuous on-site presence and under the direction of a Maryland-certified UST remover or technician in accordance with COMAR. Submit written notification of your intent to remove the USTs at least 15 days prior to beginning removal and provide verbal notification to the Oil Control Program at 410-537-3442 at least 72 hours prior to beginning the closure to schedule an inspection with the assigned case manager.

2. Perform an assessment of the tank and piping excavation to determine if there is evidence of a release. The assessment must include sampling of the soil and groundwater (if present) in accordance with the following:
 - Minimum of two samples below each tank;
 - Minimum of one sample at 20-ft. intervals along each piping trench;
 - Minimum of one sample below each dispenser;
 - Analyze all samples collected for full-suite volatile organic compounds (VOCs), including fuel oxygenates and naphthalene, using EPA Method 8260 and for total petroleum hydrocarbons - diesel and gasoline range organics (TPH-DRO and GRO) using EPA Method 8015B.
3. Submit an amended UST registration to the Oil Control Program, 1800 Washington Boulevard, Suite 620, Baltimore, Maryland 21230-1719.
4. Submit a *UST Closure Report* to the above address (Attn: Mr. Matt Mueller). The *Report* must include, but not be limited to: description of activities associated with the removal; condition of the tanks and piping; field screening results; site sketch; photographs; copies of receipts for soil and tank disposals; and copies and brief summary of the laboratory analytical results.

A list of Maryland-certified UST removers and technicians and a blank UST registration form are available on the Department's web site at:

http://www.mde.state.md.us/programs/Land/OilControl/UndergroundStorageTanks/Pages/Programs/LandPrograms/Oil_Control/usthome/ustcertification_programs.aspx

Failure to properly close the substandard USTs may result in enforcement action, which could include the issuance of civil penalties, and other legal sanctions. If you have any questions, please contact Regional Inspector Matthew Mueller at 410-537-3574 (matthew.mueller@maryland.gov), Regional Supervisor Michael Jester at 410-537-3024 (michael.jester@maryland.gov), or me at 410-537-3442 (tom.walter@maryland.gov).

Sincerely,



Thomas L. Walter, Chief
Compliance Division
Oil Control Program

MJ/nln

cc: Mr. Michael Jester
Mr. Mathew Mueller
Mr. Christopher H. Ralston
Ms. Hilary Miller

LAND MANAGEMENT ADMINISTRATION
Oil Control Program
Report of Observations

Type of Observations: Review of third party inspection

Site/Facility Name: Commercial Fuel Systems, Inc

Location: 930 Port St. Easton

Point of Contact: Tim Miller

Fax:

Facility ID No.: 1656

Date: 5/4/18

Telephone: 410-310-3553

Page 1 of 1

Facility Inspection Status: FAIL

Remarks:

A third party inspection was performed on 2/14/18 at the above referenced facility located in Talbot County. For all sections listed with a status of 'fail', corrective actions are required to comply with the Code of Maryland Regulations (COMAR). Submit data verifying compliance to Maryland Department of the Environment (MDE) within 15 days unless otherwise noted. Due to the existing violations, additional enforcement action may be forthcoming. Failure to perform the advised actions will result in enforcement proceedings including the issuance of a Delivery Ban, civil penalties, and other legal sanctions.

Status	Section No.	Comments
Pass	5a.	** Tank 1 (Diesel) had an extra 4" riser that was marked as a dry break at time of TPI. The riser is now capped and manway lid painted black.
Fail	6a.	** No test records at time of inspection. ** Submit a copy of the most recent spill catch basin test records. If a test has not been performed within the past year, conduct a test in accordance with Maryland Containment System Testing Protocol and submit records.
Fail	6b.	** All tanks are registered to have bail float valves (BFV) as method of overfill protection. ** Submit documentation from a certified UST Technician that the BFV is present and working per manufactures specifications. All BFV should be set to a maximum of 90% of the tank maximum volume.
Fail	7a.	** The manway lids on the stage I risers are not painted in accordance with API color code. ** Submit verification that all stage I manways are painted in accordance with API color code.
Fail	8 pipe	** The dispenser flex connectors are equipped with supplemental anodes. No test records onsite this date. ** Submit a copy of the most recent cathodic protection test records from within the past year for the dispenser flex connectors.
Pass	4b.	** The dispenser nozzles on dispensers 1, 3 & 5 have been replaced since the TPI ** Swivels have been replaced on dispensers 1, 2, 6, & 8 since the TPI. ** The whip and breakaway has been replaced on dispenser 4 since the TPI.
Fail	9 pipe	** The nozzle and hose on dispenser 4 were not leaking at time of inspection. ** No line tightness test records onsite this date. ** Submit a copy of the most recent precision test records of the underground storage tank systems to include commercial name of the test equipment, name of the testing company, name of the person conducting the test, certification information for the person conducting the test, data accumulated by the test, and the results of the precision test.
Fail	11	** No inventory records onsite this date. ** Submit a copy of inventory records for the months of February through April 2018.
Fail	12 tank	** No ATG certification onsite this date. ** No tank release detection records onsite this date ** Submit a copy of the most recent ATG certification from within the past year.
Fail	12 pipe	** Submit a copy of tank release detection records for the months of February through April 2018. ** No line leak detector test records onsite this date ** Submit a copy of line leak detector test records performed within the past year.

Person Interviewed:

Print: EMA/EC

Sign: 5/4/18


Michael Jester
Environmental Compliance Specialist
Office: 410-537-3024
Fax: 410-537-3092
Email: Michael.jester@maryland.gov

LAND MANAGEMENT ADMINISTRATION

Oil Control Program
Report of Observations

Type of Observations: Review of third party inspection

Site/Facility Name: Commercial Fuel Systems, Inc

Location: 930 Port St. Easton

Point of Contact: Tim Miller

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Page 1 of 1

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Facility Inspection Status: FAIL

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Status	Section No.	Comments
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Fail	6b.	** All tanks are registered to have ball float valves (BFV) as method of overfill protection. ** Submit documentation from a certified UST Technician that the BFV is present and working per manufactures specifications. All BFV should be set to a maximum of 90% of the tank maximum volume.
Fail	7a.	** The manway lids on the stage I risers are not painted in accordance with API color code.
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Fail	11	** No inventory records onsite this date.
Fail	12 tank	** Submit a copy of inventory records for the months of February through April 2018. ** No ATG certification onsite this date. ** No tank release detection records onsite this date.
Fail	12 pipe	** Submit a copy of the most recent ATG certification from within the past year. ** Submit a copy of tank release detection records for the months of February through April 2018. ** No line leak detector test records onsite this date. ** Submit a copy of line leak detector test records performed within the past year.

Person Interviewed:

Print:

Sign:

Michael Jester

Environmental Compliance Specialist

Office: 410-537-3024

Fax: 410-537-3092

Email: Michael.jester@maryland.gov